



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,042	12/21/1999	REINER LUDWIG	34645-00489U	3150

7590

07/15/2003

Richard J Moura  
Jenkins & Gilchrist P C  
1445 ROSS AVE  
SUITE 3200  
DALLAS, TX 75202-2799

EXAMINER

BAKER, STEPHEN M

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/468,042

Applicant(s)

LUDWIG ET AL.

Examiner

Stephen M. Baker

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,7,20,24 and 25 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8-19 and 21-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3, 7, 20, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,307,867 to Roobol *et al.* ("Roobol").

Regarding claims 1 and 24: Roobol discloses a "method for improving a processing time of received data in a packet-oriented application in a data transmission between a transmitter and a receiver each comprising a first and a second protocol layer via a communication network", wherein the first and second protocol layers respectively comprise an LLC layer and a RLC layer (col. 7, lines 26-39). At Roobol's transmitter, "data from the first protocol layer are released to the second protocol layer in the transmitter", "the data of the first protocol layer are divided into consecutive data packets of the second protocol layer", and "the data packets of the second protocol layer are transmitted via the communication network". At Roobol's receiver, to handle out-of-sequence delivery (col. 8, lines 17-22), "data packets of the second protocol layer received in the receiver are sorted according to the transmitted sequence", "the data packets received are allocated to data packets of the first protocol layer on the second protocol layer", and "upon a data packet of the first protocol layer being completely generated, said data packet is released to the first protocol layer". Divided packets of the first layer can be transmitted as second layer packets without necessarily

Art Unit: 2133

concatenating two first layer packets into a single second-layer packet (col. 14, lines 45+), so for the non-concatenated case it is true that "a data packet of the second protocol layer contains data from only one packet of the first protocol layer".

Regarding claim 3: Roobol's RLC packets are "numbered consecutively and marked by a corresponding sequence number" (col. 2, lines 40-49).

Regarding claim 7: In accordance with the layering concept for assembling out of order RLC packets, Roobol's RLC packets are "sorted into a sequence corresponding to a sequence number".

Regarding claim 20: In Roobol's system, "the data transmission is performed via an IP network and a mobile communication network" (col. 6, lines 47-50).

Regarding claim 25: Roobol's reordering, necessitated by his ARQ protocol, of course requires "a buffer for temporarily storing the received data packets of the second protocol layer".

### ***Allowable Subject Matter***

3. Claims 4-6, 8-19 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Baker whose telephone number is (703)

Art Unit: 2133

305-9681. The examiner can normally be reached on Monday-Friday (11:00 AM - 7:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.



Stephen M. Baker  
Primary Examiner  
Art Unit 2133

smb  
July 13, 2003